

**FLOOD DIVERSION BOARD OF AUTHORITY
NOVEMBER 10, 2011—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held on November 10, 2011, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Scott Wagner; West Fargo City Commissioner Mike Thorstad; Cass County Joint Water Resource District Manager Rodger Olson; Fargo Mayor Dennis Walaker; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Brenda Elmer for Nancy Otto.

Board of Authority ex-officio and alternate members present: ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District; alternate member Grant Weyland, Clay County Commissioner; and alternate member Breanna Paradeis Kobiela.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Pat Zavoral; Moorhead City Manager Mike Redlinger; Clay County Administrator Brian Berg; Fargo City Engineer Mark Bittner; Cass County Engineer Jason Benson; Moorhead City Engineer Bob Zimmerman; and Tom Waters, Program Manager, CH2MHill.

2. MINUTES APPROVED

MOTION, passed

Mr. Wagner moved and Mr. Campbell seconded to approve the minutes from the October 27, 2011, Flood Diversion Board of Authority meeting as written. Motion carried.

3. UPDATES FROM COMMITTEES

Legal Committee

Erik Johnson, Fargo City Attorney, provided a legal update. He said board members were provided with draft by-laws at the last meeting, and he provided a final draft for consideration today. He said minor revisions to the notice of meeting requirements discussed last month have been incorporated into the document. Also, some language was added to allow treasury management functions to be delegated to the City of Fargo Finance Office.

Mr. Vanyo briefly discussed Section 2.02 regarding alternate board members, which outlines their participation in the meeting only if the alternate is serving for a board member who is absent. Board members did not have any comments and were agreeable to this section of the by-laws.

MOTION, passed

Mr. Walaker moved and Mr. Wagner seconded to accept the by-laws with revisions as presented. On roll call vote, the motion carried unanimously.

Public Outreach Committee

Daron Selvig, Communications Specialist from Advanced Engineering & Environmental Services (AE2S), said construction of the website is 75% complete and could go live by the end of next week.

Mr. Selvig provided a website demonstration, and said the site will include information on the project status, timeline, FAQ's (frequently asked questions), press releases, and meeting dates. He said the twitter name of "FM Diversion" has been reserved.

Mr. Olson asked the board to give the Public Outreach Committee the authority to allow the website to go on-line as soon as all the information is ready. Mr. Wagner asked how the committee will ensure the information is accurate. Mr. Olson said all the information on the website has been taken from Corps of Engineers documents.

MOTION, passed

Mr. Olson moved and Ms. Elmer seconded to move forward and go live with the website as soon as it is ready. On roll call vote, the motion carried unanimously.

Finance Committee

Michael Montplaisir, Cass County Auditor, provided an update from the Finance Committee, which met on November 3rd. He said the committee approved an accounting and bill paying process to be used for the immediate future with the bills and reporting to be handled through the City of Fargo. He recommends the board authorize the City of Fargo to act as the fiscal agent on a temporary basis.

MOTION, passed

Mr. Campbell moved and Mr. Wagner seconded to authorize the City of Fargo to act as the fiscal agent on a temporary basis. On roll call vote, the motion carried unanimously.

Mr. Montplaisir presented two bills for the board to consider. The first bill is from *The Forum* in the amount of \$1,153.82 to advertise for the Request for Qualifications for the project management firm; and from Fox Lawson & Associates in the amount of \$250 to review the job description of the project manager.

MOTION, passed

Mr. Wagner moved and Mr. Olson seconded to approve the vouchers as presented. On roll call vote, the motion carried unanimously.

Mr. Montplaisir said the committee also recommends that payments on contracts previously approved by the board be paid and then be reported and approved at subsequent board meetings.

MOTION, passed

Mr. Wagner moved and Mr. Campbell seconded to authorize the approval of contract payments as they become due and report the payments at subsequent Diversion Board of Authority meetings. On roll call vote, the motion carried unanimously.

Technical Committee

Mr. Bittner discussed two items requiring action by the board from the Technical Committee. The first is regarding a bid award for Project No. 5683-12, located along the diversion alignment for undisturbed laboratory soil testing. Bids were received on November 9th, and project costs will be credited to the local sponsor as qualified work-in-kind.

MOTION, passed

Mr. Walaker moved and Ms. Elmer seconded to recommend the FM Metro Diversion Authority (FMMDA) approve the scope of work and bid award to Braun Intertec in the amount of \$54,040 as the lowest and best bid, and request concurrence from the City of Fargo, acting as contracting agency for the FMMDA. On roll call vote, the motion carried unanimously.

Mr. Bittner said the second item is regarding a Request for Proposal from Identified Firms by the Corps of Engineers for Project No. 5683-13 Phase 1 Design Soil Exploration Pressuremeter Testing. The testing will help determine soil properties and will be done in conjunction with on-going soil boring work. Project costs will be credited to the local sponsor as qualified work-in-kind.

MOTION, passed

Mr. Olson moved and Mr. Wagner seconded to approve solicitation and evaluation of proposals from USACE identified consultant along with contract negotiation and bid award recommendation to the FM Metro Diversion Authority (FMMDA) for Design Soil Exploration, Pressuremeter Testing, Project No. 5683-13 Phase 1. On roll call vote, the motion carried unanimously.

4. CORPS OF ENGINEERS STATUS UPDATE

Mr. Vanyo said the Corps of Engineers provided a handout to update the board on the feasibility study and preconstruction, engineering and design work for the diversion.

5. PROJECT MANAGEMENT FIRM UPDATE

Mr. Waters, Project Manager from CH2MHill, was present. He introduced himself to the board and said he is a retired engineer from the Corps of Engineers, where he worked for 28 years. He briefly reviewed the work their firm has completed over the last two weeks, including possible minor revisions to the project alignment in the upper northwest quadrant and associated public meetings with landowners in December. He said over the past two weeks, CH2MHill has been working closely with the Technical Committee.

6. APPOINTMENTS TO COMMITTEES

Mr. Vanyo asked if CH2MHill had a chance to review the committee appointments. Mr. Waters recommends the board move forward with the appointments and changes may be made later in the process to the organizational structure.

Mr. Berndt suggested the Legal Committee and Technical Committee be considered ad hoc, not formal, committees of the Flood Diversion Board of Authority. Mr. Zavoral suggested the Public Outreach Committee and Finance Committee be recognized as standing committees to the board.

Ms. Elmer asked whether the Mitigation Committee will also be considered as a standing committee. Mr. Campbell said the Mitigation Committee could be on-call to assist and serve as a source of information to the Public Outreach Committee.

MOTION, passed

Mr. Campbell moved and Ms. Elmer seconded to approve the Public Outreach, Finance and Mitigation Committees as standing committees that will report back to the Flood Diversion Board of Authority. On roll call vote, the motion carried unanimously.

7. OTHER BUSINESS

Mr. Bittner said the method to hire other consultants needs to be determined, i.e. through RFQ's (Request for Qualifications). Mr. Zavoral asked if the method to procure consulting services will be addressed at the next meeting. Mr. Waters said their firm will have information on this item for consideration by the board at the next meeting.

Mr. Zavoral said information from the Finance Committee will also be available at the next meeting regarding a global view of what dollars will be needed in the next few years for the project.

8. NEXT MEETING DATE

The next meeting will be held on Thursday, December 8, 2011, at 3:30 PM.

9. ADJOURNMENT

MOTION, passed

On motion by Mr. Walaker, seconded by Mr. Wagner, and all voting in favor, the meeting was adjourned at 4:30 PM.